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KHB

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

March 24, 2003

Mr. Don Klima, Director
Office of Planning and Review
Advisory Council on Historic Preservation
The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

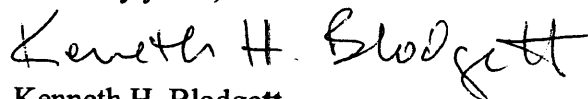
Re: AB-584 (Sub-No. 1X) - Canada Southern Railway Company - Abandonment -
between MP 0.0 and MP 0.15 in Niagara County, New York

Dear Mr. Klima:

Canada Southern Railway Company (CSR) filed a Notice of Exemption with the Surface Transportation Board (Board) on October 2, 2002, to abandon rail line in the above-referenced proceeding. In response to CSR's notification regarding this proposed abandonment, the New York SHPO wrote to Ms. Diane P. Gerth (CSR) on May 23, 2002, stating that, given the concentration of historic resources, they were concerned about the potential impacts resulting from the abandonment and sale of the property, and that abandonment would constitute an adverse effect.

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act, including the National Historic Preservation Act (NHPA). Please find enclosed a copy of the Memorandum of Agreement (MOA) which resulted from the consultation process pursuant to the regulations implementing Section 106 of NHPA. The MOA will assist CSR in avoiding or mitigating any adverse effects resulting from the proposed abandonment. The filing of this MOA with the Council completes our compliance responsibilities under Section 106 of NHPA.

Sincerely yours,



Kenneth H. Blodgett

Section of Environmental Analysis

cc: Ms. Diane P. Gerth, Canada Southern Railway Company
Mr. Richard M. Lord, New York State Historic Sites Restoration Coordinator
Secretary's Office
SEA Chron

**MEMORANDUM OF AGREEMENT
BETWEEN THE SURFACE TRANSPORTATION BOARD
AND THE NEW YORK STATE HISTORIC PRESERVATION OFFICE
REGARDING PROPOSED ABANDONMENT OF TRACKAGE
KNOWN AS THE CANADA SOUTHERN RAILROAD BRIDGE
NIAGARA COUNTY, NEW YORK**

WHEREAS, in Docket No. AB-584 Sub-No. 1X, Canada Southern Railway Company filed a Notice of Exemption seeking authority from the Surface Transportation Board (STB) to abandon an eight hundred eighty foot line of railroad between the international border and Milepost 0.0 in the City of Niagara Falls, Niagara County, New York; and

WHEREAS, the Surface Transportation Board has determined that this abandonment will have an effect on the Michigan Central Railway Bridge, also known as the Canada Southern Niagara Bridge, which meets the criteria of the National Register of Historic Places; and

WHEREAS, the Surface Transportation Board has consulted with the New York State Historic Preservation Office (NYSHPO) pursuant to the requirements of 36 CFR 800; and

WHEREAS, the Canada Southern Railway Company as underlying fee owner of portions of the property, has participated in the consultation and have been invited to concur in this agreement;

NOW, THEREFORE, the STB and the NYSHPO hereto agree that the proposed abandonment shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

**THE SURFACE TRANSPORTATION BOARD SHALL ENSURE THAT THE
FOLLOWING STIPULATIONS ARE CARRIED OUT:**

1. Canadian Southern Railway Company will document the Michigan Central Railway Bridge to statewide significance standards, to include:

- a) Photographs with large format (minimum 3"x5") negatives as follows:
 - i) overall views of the bridge from several vantage points;
 - ii) close-up views of any engineering details, plaques, or other noteworthy elements;
 - iii) photographs of historic construction or record drawings, where available;
 - iv) historic views, where available.
- b) Brief written history.

This information will be provided in draft form for SHPO comment. Once the draft information is approved, 3 copies will be prepared on archival paper (both photos and text) and provided to:

Niagara County Historical Society Museum Center
215 Niagara Street
Lockport, New York 14094
716-434-7433

Niagara Falls Public Library
1425 Main Street
Niagara Falls, New York 14305
716-286-4910

The SHPO, for submission to the New York State Archives in Albany.

- 2. Any party to this agreement may request that it be amended, whereupon the proposed changes shall be submitted to the other parties and the Advisory Council on Historic Preservation (COUNCIL) in accordance with 36 C.F.R. Part 800. If the stipulations of this memorandum are not completed by December 31, 2003, the parties shall meet to renegotiate the terms.
- 3. Dispute Resolution: Should the NYSHPO object within 45 days to any plans or specifications provided pursuant to this Agreement, the STB shall consult with NYSHPO to resolve the objection. If the STB determines that the objection cannot be resolved, the STB shall request the further comments of the COUNCIL pursuant to 36 C.F.R. Section 800.6(b). Any

COUNCIL comments provided in response to such a request will be taken into account by the STB in accordance with 36 C.F.R., Section 800 (U)(c)(2).

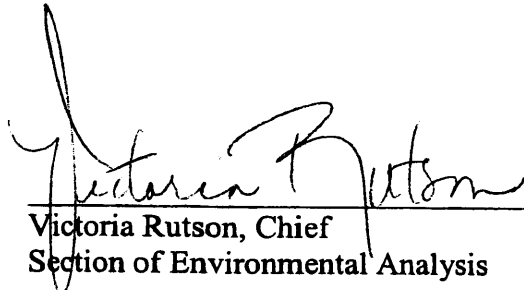
Execution of this Memorandum of Agreement by the parties hereto, and implementation of its terms, evidences that the STB afforded the COUNCIL an opportunity to comment on the proposed action relating to the line, and that the STB has taken into account the effects of the project on historic properties, in accordance with Section 106 of the National Historic Preservation Act.

ACCEPTED AND AGREED:

SURFACE TRANSPORTATION BOARD

Dated:

By:



Victoria Rutson, Chief
Section of Environmental Analysis

NEW YORK STATE HISTORIC PRESERVATION OFFICE

Dated:

2/20/03

By:

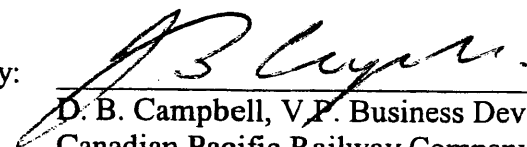


CONCUR

CANADA SOUTHERN RAILWAY COMPANY

Dated:

By:


D. B. Campbell, V.P. Business Development
Canadian Pacific Railway Company
On behalf of Canada Southern Railway Company